

The Honorable Richard A. Jones  
The Honorable Robert S. Lasnik  
The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  Plaintiff,  v.  CHARLES CHEATHAM, et al.,  Defendants.	NO. CR18-131 RAJ   NOTICE OF RELATED CASE
UNITED STATES OF AMERICA,  Plaintiff,  v.  MICHAEL MORGAN, et al.,  Defendants.	RELATED TO  NO. CR18-132 RAJ
UNITED STATES OF AMERICA,  Plaintiff,  v.  WESLEY JAMAL ARMSTRONG,  Defendants.	RELATED TO  NO. CR18-144 RSL

Notice of Related Case- 1  
*U.S. v. Cheatham*, CR18-131 RAJ; *U.S. v. Morgan*, CR18-132 RAJ;  
*U.S. v. Armstrong*, CR18-144 RSL; *U.S. v. Beasley*, CR18-145 RAJ;  
*U.S. v. Shepard*, CR18-147 JLR;

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1 2 3 4 5 6	UNITED STATES OF AMERICA,  Plaintiff,  v.  BOBBY BARNARD BEASLEY,  Defendants.	RELATED TO  NO. CR18-145 RAJ
7 8 9 10 11 12	UNITED STATES OF AMERICA,  Plaintiff,  v.  CLEOPHUS SYLVESTER SHEPARD,  Defendants.	RELATED TO  NO. CR18-147 JLR

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The United States of America submits this notice to advise the Court that the following cases are related: *United States v. Charles Cheatham et al.*, CR18-131 RAJ; *United States v. Michael Morgan et al.* CR18-132 RAJ; *United States v. Wesley Jamal Armstrong*, CR18-144 RSL; *United States v. Bobby Barnard Beasley*, CR18-145 RAJ; and *United States v. Cleophus Sylvester Shepard*, CR18-147 JLR. All of these cases arise from the same wiretap investigation into a drug trafficking conspiracy led by Michael Morgan and Charles Cheatham. The Grand Jury returned Indictments in the first two cases on May 30, 2018. Law enforcement then arrested many of the defendants named in those two Indictments on June 6, 2018. During the operation to arrest those defendants, investigators also arrested the three defendants named in the other cases listed above. Those arrests were based on evidence collected during the investigation and—with the exception of Armstrong—evidence found during the searches and arrests conducted on June 6. All five cases result from the same series of wiretap orders, and they will likely involve many of the same litigation issues. The government contends that all of these cases should be adjudicated by the same judge and considered together to ensure consistent rulings and a just result.

## I. BACKGROUND

### A. Investigation

The cases named above arise from a nearly four-year investigation by the DEA, FBI, and Seattle Police Department. These federal and local agencies conducted hundreds of hours of surveillance and intercepted 13 cell phones while investigating a large conspiracy to distribute controlled substances, including heroin, cocaine, marijuana, and other controlled substances.

Early in the investigation, a confidential source identified Michael Morgan as a drug dealer who could supply multiple-kilograms of cocaine. Investigators then bought cocaine from Morgan on two separate occasions and used traditional investigative techniques to find additional evidence about Morgan's and his associates' drug trafficking. Ultimately, investigators received authorization to intercept telephones used by Morgan and his associates. Investigators intercepted communications between defendants named in all of the cases listed above. The intercepted calls included exchanges between Morgan and Cheatham and between defendants named in the different matters. Over the course of the investigation, law enforcement learned that Michael Morgan, Charles Cheatham, Michael Davis, Railen Wheeler, and others are significant drug traffickers who work together to distribute drugs in the Seattle area. They also learned that Wesley Jamal Armstrong had a firearm at a drug deal with one of the co-conspirators, that Bobby Barnard Beasley was a redistributor for Morgan and Wheeler and possessed ammunition even though he was a convicted felon, and that Shepard was a redistributor for Cheatham and had more than an ounce of cocaine at the place where he was arrested.<sup>1</sup>

### B. Procedural History

On May 30, 2018, the Grand Jury returned two indictments charging a total of 40 defendants with 60 counts, including Conspiracy to Distribute Controlled Substances in

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<sup>1</sup> Some of the defendants were on federal supervised release when they committed the crimes discovered during the wiretap investigation. We anticipate filing additional Notices of Related Case in connection with the relevant supervised release violation proceedings.

violation of 21 U.S.C. §§ 841(a)(1) and 846, Possession of Controlled Substances with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1), and Carrying a Firearm During and in Relation to a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c). The evidence showed that all of the defendants in both indictments were part of the same conspiracy, but for administrative reasons, the government presented two separate indictments.

On June 1, 2018, Magistrate Judge Brian Tsuchida authorized search warrants—based on a single application—for 46 locations and 65 vehicles associated with the drug trafficking conspiracy. The warrant also authorized law enforcement to search places associated with Armstrong, Beasley, and Shepard, even though they were not named co-defendants in the first two Indictments. Though these three individuals were not originally charged as co-conspirators with the other defendants, there was probable cause to believe they were involved in criminal activity.

On June 6, 2018, law enforcement executed the warrants and found multiple kilograms of controlled substances, numerous firearms, and large amounts of cash. That same day, investigators arrested 33 of the defendants indicted in the *Morgan* and *Cheatham* cases, as well as the three defendants in the other cases named above. Agents initially charged those three defendants by complaint, and on June 13, 2018, the Grand Jury returned Indictments against them.

## II. DISCUSSION

Local Criminal Rule 13(b) encourages counsel “to file a notice of related case in order to bring such cases to the Court’s attention.” Accordingly, the United States submits this notice to inform the Court that *United States v. Charles Cheatham et al.*, CR18-131 RAJ; *United States v. Michael Morgan et al.* CR18-132 RAJ; *United States v. Wesley Jamal Armstrong*, CR18-144 RSL; *United States v. Cleophus Sylvester Shepard*, CR18-147 JLR; and *United States v. Bobby Barnard Beasley*, CR18-145 RAJ, are related in at least two important respects.

First, all of these cases arise from the same investigation and rely on the same series of wiretap orders. With the exception of the case against Armstrong, all of the cases also rely on the same search warrant affidavit. The defendants in all of these cases will receive largely the

1 same discovery materials and rely on largely the same evidence. As a result, the Court might  
 2 be faced with the same litigation issues in the various cases.

3 Second, it will be important for the Court and the parties to be familiar with the evidence  
 4 and defendants in all of the cases because each defendant's conduct and culpability will be  
 5 best understood in the context of his or her interactions with other defendants and in the context  
 6 of the other defendants' comparable or distinct conduct.

7 Thus, the cases are closely related and should be considered together. If the cases  
 8 proceed independently, there is a substantial risk that the parties will litigate the same issues  
 9 in multiple proceedings and that those issues will be resolved in different and conflicting ways.  
 10 To ensure consistent outcomes in light of all the relevant information, the government  
 11 respectfully requests that the same judge adjudicate all of the cases listed above.

12  
 13 DATED this 18th day of June, 2018.

14 Respectfully submitted,

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17 /s/ Nicholas Manheim

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/John M. Price

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Notice of Related Case- 6

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